

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

IN RE:)	
)	Case No. 15-05928
KATHY JO MILER,)	Chapter 13
)	Judge Mashburn
Debtor.)	

MOTION FOR EXAMINATION OF DEBTOR UNDER BANKRUPTCY RULE 2004

The Acting United States Trustee, Region 8, requests that the Court Clerk enter an order directing Kathy Jo Miler (the “Debtor”) to appear for an examination under oath pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure. In support of this motion, the U.S. Trustee represents and alleges as follows:

1. This case was commenced with the filing of a voluntary petition under Chapter 13 on August 25, 2015.

2. The case was dismissed on October 2, 2020 due to the Debtor’s lack of cooperation with the Chapter 13 Trustee and provide her 2017 and 2018 tax returns. [Docket No. 73].

3. On June 22, 2021, the Chapter 13 Trustee submitted \$12,475.89 (the “Unclaimed Funds”) to the Clerk as unclaimed funds resulting from this bankruptcy case. [Docket No. 83]. These funds are due to the Debtor.

4. A Motion to Withdraw Unclaimed Funds (the “First Motion”) was filed on December 4, 2023 [Docket No. 88], but the First Motion was denied without prejudice because the name in the First Motion is Kathy Jo Miller instead of the Debtor’s name (Kathy Jo Miler). [Docket No. 89].

5. A second Motion to Withdraw Unclaimed Funds (the “Second Motion”) was filed

on February 21, 2024 with a notarized “Statement of Proof of Identity” that Kathy Jo Miller and Kathy Jo Miler are the same individual. [Docket No. 91].

6. The U.S. Trustee requests that the Clerk issue an order for the examination of Kathy Jo Miler under oath pursuant to Bankruptcy Rule 2004, on **Tuesday, March 26, 2024 at 1:00 p.m.** The proposed examination shall be conducted at the United States Trustee’s Office, located at 701 Broadway, Room 318, Nashville, Tennessee 37203. The purpose of the examination will be to gather additional information from the Debtor regarding the name discrepancy.

3. The U.S. Trustee also requests that Kathy Jo Miler be ordered to provide copies of the following: (1) current driver’s license, (2) proof of social security number, (3) proof of residence, and (4) most recently filed federal tax return at the Rule 2004 examination.

WHEREFORE, the U.S. Trustee requests that the Clerk issue an order pursuant to LBR 2004-1 directing Kathy Jo Miler to appear for an examination under oath by the U.S. Trustee on **Tuesday, March 26, 2024 at 1:00 p.m.** and produce all requested documents at that time.

Respectfully submitted,

PAUL RANDOLPH
Acting U.S. Trustee, Region 8

/s/ Rebecca J. Yielding
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CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of this Motion for Examination was sent on March 7, 2024 via CM/ECF electronic notice and to the following by first class mail:

Kathy Jo Miler
522 Stonehenge Dr.
Lebanon, TN 37090

/s/ Rebecca J. Yielding
Rebecca J. Yielding